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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,010	04/18/2007	Myriam Bouet-Griffon	2901683-000026	6015

59554 7590 08/05/2010  
Baker Donelson Bearman Caldwell & Berkowitz PC  
920 Massachusetts Avenue  
Suite 900  
Washington, DC 20001

EXAMINER
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LEE, REBECCA Y

ART UNIT	PAPER NUMBER
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1793

NOTIFICATION DATE	DELIVERY MODE
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08/05/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroomdc@bakerdonelson.com  
ltapp@bakerdonelson.com  
smcbee@bakerdonelson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,010	<b>Applicant(s)</b> BOUET-GRIFFON ET AL.	
	<b>Examiner</b> REBECCA LEE	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1, 3-5 and 7-20 are pending where no claim has been amended.

### ***Status of Previous Rejections***

The rejections of claims 1, 3-5 and 7-20 under 35 U.S.C. 103(a) have been maintained.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (JP 2002-371333).

Sato et al. is applied to claims 11 and 14-19 as set forth in the 04/13/10 office action.

Claims 1, 3-5, 7-10, 12-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (JP 2002-371333) in view of Izumi et al. (US 6678936).

Sato et al. in view of Izumi et al. is applied to claims 1, 3-5, 7-10, 12-13 and 20 as set forth in the 04/13/10 office action.

***Response to Arguments***

Applicant's arguments filed 07/22/10 have been fully considered but they are not persuasive.

Applicant argues that Sato et al. do not expressly teach the claimed yield strength. However, as stated in the previous action, such properties would have been expected because Sato et al. disclose a substantially identical alloy sheet as claimed MPEP 2112.01. In the instant case, since Sato et al. disclose an alloy of overlapping composition with that of claimed, a prima facie case of obviousness exists, and burden is on applicant to show otherwise. Since applicant has not submitted any factual evidence to show that the alloy of Sato et al. is in fact materially different from claimed, applicant's argument is not found convincing.

Applicant also tries to show that the alloy of Sato et al. does not possess the properties required by the present claims by comparing to the 6111 and 6016 alloys. This argument is incommensurate with the scope of instant claims since the compositions of alloys 6111 and 6016 fall beyond the claimed ranges. Thus, applicant's argument is not found persuasive.

Applicant also stated that examiner has not addressed the previously asserted argument regarding Cu concentration. However, as stated in the previous action, the Cu concentration of Sato et al. overlaps the claimed range, which is prima facie evidence of obviousness MPEP 2144.05.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REBECCA LEE whose telephone number is (571)270-5856. The examiner can normally be reached on Monday-Friday 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JERRY LORENZO can be reached on (571)272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1793

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. L./  
Examiner, Art Unit 1793

/J.A. LORENZO/  
Supervisory Patent Examiner, Art  
Unit 1793